

C. INDUSTRIAL LAND USE

Manufacturing, industrial and marine-related businesses like those located in the BINMIC generally require large tracts of lower cost land with access to **freight transportation, space for outdoor storage, loading and maneuvering, heavy use utility infrastructure and some separation from non-industrial uses.** These land conditions are increasingly difficult to obtain in an urban setting such as the BINMIC. In addition, industrial land is under pressure from many forces, including conversion to higher-paying commercial uses, use of waterfront property for public access and recreation, and the desire of adjacent communities to curtail the noise, odors, heavy equipment, and truck traffic generated by industry. It is also particularly true that, due to the agglomeration factor described earlier, land for industrial uses related to each other must be preserved within the BINMIC.

It is increasingly being acknowledged by public policy-makers, however, that industrial land must be protected against some of these forces if it is to continue to be the location of businesses which offer significant economic benefits such as contributions to the tax base and creation of family wage jobs. The Seattle Comprehensive Plan acknowledged the importance of preserving industrial land and designated two manufacturing and industrial centers, one of which is the BINMIC. The following policies and action items include some that are specific to the BINMIC and some that would benefit all industrial lands and they are intended to continue and strengthen the existing policies that promote manufacturing and industry.

1. EXISTING INDUSTRIAL LAND USE COMPREHENSIVE PLAN POLICIES

1.25 Promote manufacturing and industrial employment growth including manufacturing uses, advanced technology industries and a wide range of industrial-related commercial functions, such as warehouse and distribution activities in manufacturing/industrial centers.

L30 Designate industrial development emphasis areas within manufacturing/industrial centers where special emphasis is warranted to promote industrial development.

1.31 Work with property owners and the affected community to establish public and private strategies to enhance conditions for industrial activity and redevelopment in industrial development emphasis areas.

L115 Include among appropriate activities manufacturing uses, advanced technology industries and a wide range of industrial-related commercial functions such as warehouse and distribution activities. Of the highest priority are high value-added, high-wage industrial activities.

L117 Generally do not permit new residential uses in industrial areas.

2. BINMIC INDUSTRIAL LAND USE POLICIES

- **Preserve land use in BINMIC for manufacturing and industrial uses.**
- **Encourage site assembly" for industrial use in the BINMIC, especially on the waterfront.**
- **Discourage non-industrial uses in the BINMIC.**
- **Preserve sufficient capacity in shoreline areas for water dependent uses.**

3. BINMIC LAND USE RECOMMENDED IMPLEMENTATION ACTIONS

L-1 Industrial Ombudsperson

Industrial business owners frequently do not have time or access to information to successfully navigate City procedures. The result, in some cases, is that plans for new or expanded businesses are abandoned, resulting in frustration to the developer as well as loss of revenue to the business and the City. A person dedicated to assist industrial business owners navigate the system will promote a healthy business climate and convey to business owners that Seattle cares about its industries.

The ombudsperson will assist in identifying and recommending process improvement for City departments that will expedite permitting, minimize duplication and conflict, clarify requirements and assist businesses in using the Cudc alternate processes that may be available to them within individual departments. A further function of the ombudsperson will be to report annually to each permitting department and to the BINMIC identifying the origin and extent of problems reported.

Establish a BINMIC industrial ombudsperson that is responsible for facilitating information flow between industrial businesses and permitting agencies and for identifying and implementing process improvements

which will speed permitting, avoid duplication, clarify requirements and identify where agencies have flexibility on how requirements are met. The ombudsperson shall perform an annual review with specific recommendations for improvement to the DCLU and other permitting agencies

Implementor: Neighborhood Business Council, administered by OED

Time Frame: 1 year

Cost: \$40,000

L-2 Rezone IB Properties to IG2

The Industrial Buffer (IB) zoning designation was created to permit industrial businesses, yet acknowledge their close proximity to non-industrial zones with built in measures to mitigate some of the impacts of these businesses. In the course of the BINMIC field work, however, it was determined that there are some areas currently zoned IB that are not, in fact, adjacent to residential areas and, consequently, do not require as stringent buffering, and could be considered for a rezone to Industrial General (IG) 2.

The City staff team evaluated each of the BINMIC areas to determine whether it was sufficiently removed from residential zoning to warrant a rezone to IG2 and whether it met criteria for such a rezone. Two areas qualified, one north of Leary Way and one on the north tip of Queen Anne along the Ship Canal (see Figure 3). Following positive response to a map and questionnaire mailed to each affected property owner, the BINMIC committee recommended including rezones in this Plan.

“Actions:

Implement a legislative rezone from IB to IG2 for the area north of Leary Way and the north tip of Queen Anne (see Figure 3).

Provide BINMIC property owners the ongoing opportunity to apply to rezone properties zoned Industrial Buffer (IB) to IG2 when industrial manufacturing uses are adjacent to non-residential uses. Properties shall meet the following criteria:

- General rezone criteria in the City's land use code
- IG2 zoning is needed to expand an existing industrial use or accommodate the needs of a new business
- Property does not abut a residential zone.

Implementor: OMP, DCLU

Time Frame: Adopted with Plan Adoption

Cost: staff Resources

L-3 Bicycle and Pedestrian Trails

There is a great deal of concern among BINMIC industrial businesses and property owners that encouraging bicyclists, pedestrians, and other recreational users of local roadways and rights-of-way in the manufacturing and industrial uses in the area is dangerous. Over the years, there have been sufficient accidents and near misses to warrant such concern. With adoption in November, 1996 of resolution 25474, the City has indicated its support of the industrial businesses by routing the bicycle path away from the industrial area. The recently signed agreement for the Ballard Rail Line Corridor further affirms the City's position.

Action:

Make all efforts to locate future bicycle and pedestrian trails away from the BINMIC manufacturing and industrial uses. Design existing trails to minimize conflicts.

Implementor: SeaTran

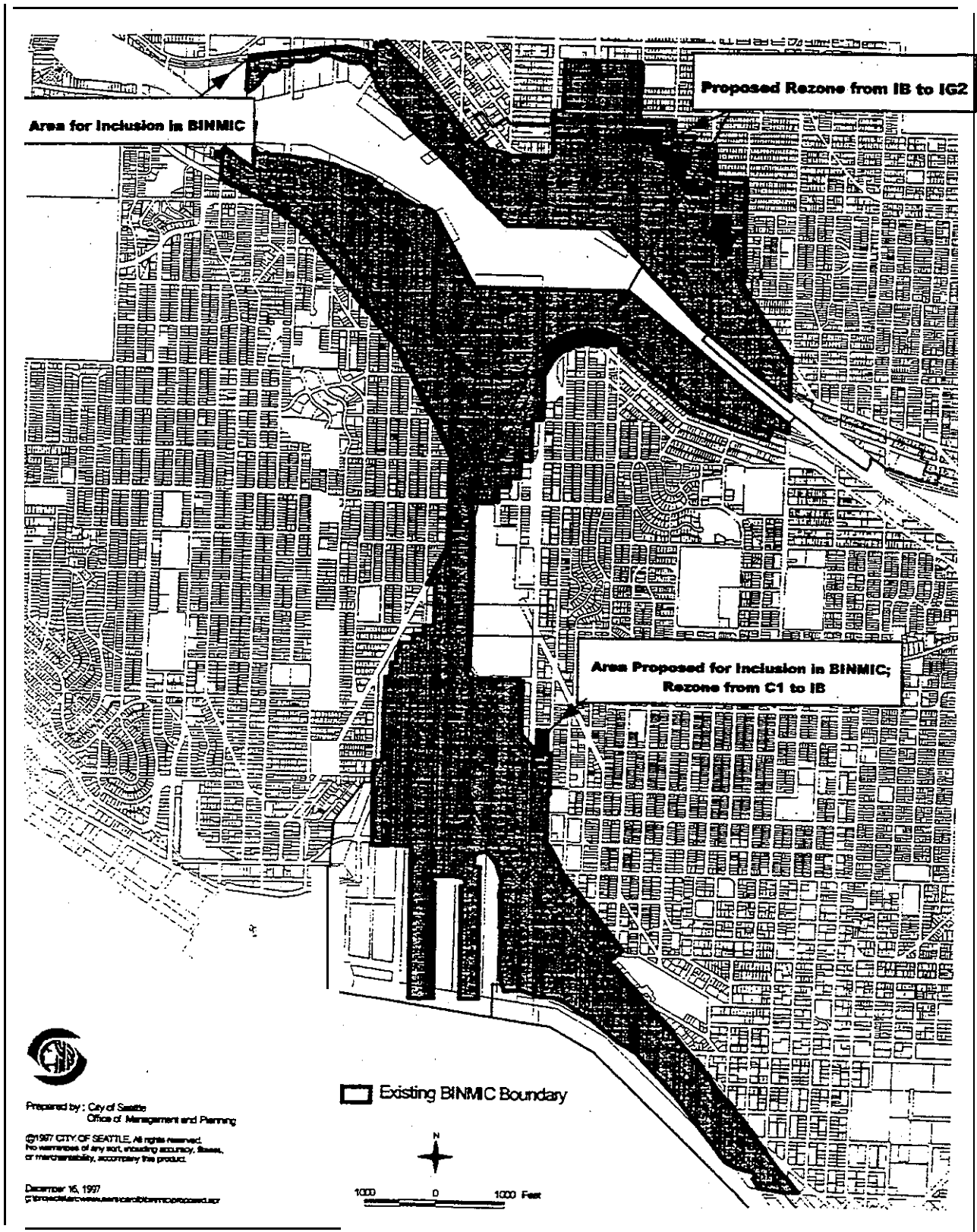
Time Frame: 1 to 2 years

Cost: Staff Resources

L-4 BINMIC Boundary Changes

The Phase 11 BINMIC planning process included the preparation of the *Land Use and Public Utilities and Facilities* report to address the adequacy and validity of the BINMIC boundaries as established in the City of Seattle 1994 Comprehensive Plan. The Land Use Subcommittee assessed the recommendations made in the report and identified several areas for potential inclusion into the BINMIC. The City sent a letter to each property owner in affected areas to inform them of this opportunity to request inclusion in the BINMIC and to ask whether they were interested in having their property included. Based on the results of the mailing and a City staff team evaluation of each of the areas to determine whether it met criteria for inclusion, the Planning Committee recommended including two additional areas into the BINMIC: GM Nameplate, 2040 15th Avenue West (which will also require a legislative rezone as part of this process) and the Burlington Northern, Santa Fe Railroad tracks west of 24th NW between Market Street and the

FIGURE 3
BINMIC Proposed Boundary Changes & Rezoning



Salmon Bay Waterway (see Figure. 3).

Action:

Amend the Comprehensive Plan to include GM Nameplate and the Burlington Northern Sante Fe railroad corridor into the BINMIC. Implement a legislative rezone for the GM Nameplate property from C1 to IB.

Implementor: OMP, DCLU

Time Frame: Adopted with Plan Adoption

Staff

D. MARITIME INDUSTRIES AND FISHING

The BINMIC area is characterized by a unique combination of water access and zoning which has for decades attracted water dependent businesses and allowed them to prosper. Many businesses are located in the BINMIC because of the need to be on or near tide water. These businesses include private terminals, shipyards, marinas and other moorage and Port of Seattle facilities. Specific facilities within the BINMIC include the Port of Seattle's Fishermen's Terminal, Marine Industrial Center and Piers 86, 90 and 91. There are also a number of private terminals. These terminals provide "multi-modal connections" for shipping freight throughout the region and overseas. There are currently a total of 11,011 linear feet of commercial moorage space within the BINMIC, representing 30% of the estimated 36,572 linear feet of commercial moorage space available in Puget Sound, and 55% of the commercial moorage available in Seattle, including Port facilities.

Maritime industries include a broad and diverse array of industries, including cargo shipping, tugs and barges, boat building and repair, fueling, moorage, fishing gear, electronics and provisioning, and maritime professional services. Many of these businesses are 'closely related to and depend upon the commercial fishing industry, which has been central to the Seattle economy and a prominent feature of the BINMIC for over a century. The versatile and resilient seafood industry is currently represented by 47 Seattle-based seafood processing companies 18 of which are located in the BINMIC. Most of the remainder are located in the vicinity of the BINMIC and have close ties to other BINMIC businesses.

The maritime and commercial fishing industries are a vital and recognizable component of both the BINMIC, Seattle and regional economy. The fishing industry, however, faces particular challenges if it is to retain its role and continue to function as an economic force within the BINMIC. These pressures include strict fishing regulations, depletion of and cyclical variations in fish stocks, overcapitalization of the fishing fleet, changing characteristics of the fleet (i.e., larger vessels), foreign and domestic competition, changing markets, and many other issues. Seattle, and especially the BINMIC, has a long history of functioning as the center of fishing and ancillary activity in this region, even though most actual fishing activity now takes place in waters off Alaska. Other ports and cities compete with Seattle and the BINMIC for this role. The City of Seattle needs to provide assistance and support to the commercial fishing and maritime industries to help retain a productive, viable fishing fleet and maritime industry in the BINMIC. Both

existing policies and proposed new policies and actions are important to achieving this goal.

The maritime industries in BINMIC generate for the City, King County and Washington State export revenues and family wage jobs having high multiplier effects (i.e., spin-off jobs) and creating opportunities for a diversified work force.

Seattle is the home port of the North Pacific Fishing Fleet which employs thousands of workers and is the core of a cluster of related maritime industries. Because of the interdependence of commercial fishing with related businesses such as refrigeration, electronics, and grocery provisioning changes in the fishing industry can have broad effects throughout the local area and the region. These factors create a vulnerability within the BINMIC economy that must be addressed by public policies and actions.

L EXISTING COMPREHENSIVE PLAN POLICIES RELATING TO THE MARITIME AND FISHING INDUSTRY

L200 B-1 The Ship Canal

Retain and encourage the important role that the Ship Canal plays in state, regional and local fisheries by reserving the Ship Canal primarily for water-dependent and water-related uses. Non-water-dependent uses shall be restricted, prohibited or allowed only on a limited basis by the selection of shoreline environments that favor water-dependent uses.

Encourage the development of non-water-dependent commercial, institutional and manufacturing uses on those areas of the Fremont Cut that do not have water access.

2. BINMIC MARITIME AND FISHING INDUSTRY POLICIES

- **Recognize the interdependence of maritime and fishing industries and related businesses and their special requirements for transportation, utilities, pier space and chill facilities. Encourage retention of this cluster of businesses and facilitate attraction of related businesses.**
- **Support maintenance of and creation of pier space for larger vessels (over 60 feet) within the BINMIC to facilitate loading of cargo, provisions, and fuel and obtaining maintenance.**

- Demonstrate City of Seattle support for the continued role of the ~~marine~~ and fishing industry by documenting the economic significance of these industries and working to be sure these industries' roles and significance are publicly recognized.
- Retain shorelines for water dependent uses by strictly enforcing waterfront and shoreline regulations in industrial areas.
- Provide a physical and regulatory environment that fosters the continued health of the maritime and fishing industries in the BINMIC.
- Encourage land assembly on the BINMIC waterfront to accommodate commercial fishing and other heavier maritime use.
- Support the Seattle-based distant-water fishing fleet's efforts to participate effectively in Federal and State fisheries management and regulation of fishing.

3. MARITIME AND FISHING INDUSTRY RECOMMENDED IMPLEMENTATION ACTIONS

FM-1 North Pacific Fisheries Management Council

The BINMIC fishing industry is underrepresented on the North Pacific Fishing Management Council. As a result, Seattle and BINMIC interests are not given adequate weight. Changing membership on the Council would require amending the Magnuson Act, which was reauthorized last year, and will not be revisited in the near future.

Action:

Support long term efforts to secure additional representation for the State of Washington on the North Pacific Fishing Management Council.

Implementor: City of Seattle Office of Intergovernmental Relations

Time Frame: 1 to 2 years

Cost: City staff resources will be required to contact the National Marine Fisheries Service and Federal legislators to seek more representation of BINMIC on this federal council.

FM-2 Industry Status

Data currently available to City of Seattle decision-makers fail to adequately reflect the significance of the

marine and fishing industries to the City's economy. Needs of these industries are rarely considered when City investments are prioritized. Because much of the investment in the industry is afloat rather than ashore and because the industry and its supporting suppliers of goods and services are not reflected as associated per Standard Industrial Codes, the impact of these industries and the threats and opportunities affecting them are often overlooked when regulatory and infrastructural decisions are being made. BINMIC recognizes the need for visibility of the marine and fishing industries and then for targeted City actions to support them.

Action:

The City shall gather data on the state of the fishing industry, particularly relating to the viability of the Seattle-based distant water fleet and the ancillary industries and services supporting the operation of this fleet and other seafood harvesting and processing operations in Alaska which avail themselves of Seattle services. In cooperation with the Seattle Marine Business Coalition and Port of Seattle, the City will fund preparation of an annual State of the industry report which will incorporate information on local infrastructure needed to support the fishing industry (pier space, utility services, transportation facilities); shipyard activity (vessel construction and repair); regulatory actions affecting the fleet; and economic data relating to the industry's health (e.g. catch volume and value). Qualifications for consultants retained to conduct the study shall include demonstrated extensive at-sea experience in Alaska, demonstrated expertise in assessing multiplier effects of fishing-related industries and demonstrated knowledge of the status of North Pacific Fisheries Management Council decisions and current politics and their effects on Seattle-based fishermen. The report shall identify City, Port and other governmental actions which support the industry in meeting challenges and maximizing opportunities identified in each year's report. The report will be made public every year at a forum at which representation is present from the City, Port, SMBC and major fishing industry organizations and firms. The report will result in an annual work program of public and private initiatives which will support the industry, such as targeted lobbying efforts, legislative changes and investment in infrastructure projects.

Implementor: OED, Port of Seattle, Seattle Marine Business Coalition

Time: On-going

Cost: Staff resources and annual budget allocation to fire report updates

Time Frame: 1-2 years

Cost: Staff Resources

FM-3, Barge, Ship, Rail, and Truck Freight Intermodal Connections

As the portal to the Pacific, the quality and efficiency of the barge, ship, rail, and truck freight intermodal connection of BINMIC associated with the Port of Seattle Terminals 86 and 90/91, Fishermen's Terminal and the Maritime Industrial Center and private industry on the Ship' Canal are vital to retaining the fishing and maritime industry in BINMIC. " Individually, these modes of transportation to the fishing and maritime industries are important. Moreover, the entire transportation system located in the BINMIC works most effectively when all of these individual modes of transportation work together.

Action:

Improve and retain the barge, ship, rail, truck freight intermodal connections of BINMIC associated with the Port of Seattle Terminals 86 and 91, Fisherman's Terminal and the Maritime Industrial Center and private industry on the Ship Canal. Pay particular attention to access needs for chill facilities in the BINMIC. (See also Transportation section, particularly Implementation Items T-7,T-11, T-19, T-20.)

Implementor: ScaTran, Port of Seattle

Time Frame: 1-2 years

Cost: Staff Resources

FM-4 Representation on Constructing Codes Advisory Board

Currently, a representative from the maritime industry, the Port of Seattle, has a seat on the Fire Code Advisory Board (FCAB). The positive experience from maritime representation on the FCAB points out the benefit of adding marine representation to the Construction Codes Advisory Board (CCAB). **Even prior to any formal addition to the CCAB, maritime industry representatives can attend meetings of the Board.**

Action:

Add to the Construction Codes Advisory Board a position to be reserved for a representative of a maritime industry and appoint an appropriate individual to the Board.

Implementor: DCLU

FM-5 Facilitate Dock and Pier Maintenance

Owners of decks and piers along the Ship Canal perceive that the regulations affecting repair, maintenance and improvement make it prohibitively expensive and difficult to do this work. BINMIC asks that the Fire Department and DCLU provide timely review and early notice of requirements needed to obtain permits for dock and pier work.

Action:

Explore possible changes to the Seattle Fire Code and Building Code to determine if code alternates can be used to facilitate pier maintenance and improvement. Honor the state-mandated 120-day turnaround for development permit processing. Use pm-application meetings whenever possible to provide up-front notice to applicants of requirements. Invite Fire Department and other agency participation in pre-application meetings.

Implementor: Fire and DCLU

Time Frame: 1-2 years

Cost: Staff resources

FM-d Dock and Pier Improvement Education and Assistance

Many layers of regulation and a number of different regulatory agencies are involved in the maintenance and construction of piers along the Ship Canal. Pier owners often do not know where to begin or whom to contact or what options are available to them when they wish to seek permits for work on these piers. In some cases, pier owners give up, but in other cases, negotiating the permitting maze can be costly. A Director's Rule prepared jointly by DCLU and the Fire Department with input by BINMIC would identify both the City's public safety and environmental concerns and the BINMIC concerns with permitting.

Action:

Prepare a Client Assistance Memo regarding pier maintenance and construction permitting along the Ship Canal for use by BINMIC waterfront property owners. The Memo should include specific examples of completed form applications for exemptions from Shoreline Management Act Substantial Development

Permit requirements and sample letters requesting SEPA Categorical Exemptions. Recommend DCLU provide information on exemption request procedures in the Memo with special emphasis on Seattle Policies and Procedures 25.05.305.C. State and federal agencies are encouraged to provide similar written assistance.

Implementor: DCLU, Dept. of Ecology, other agencies with jurisdiction

Time Frame: 1-2 years

cost: Staff Resources

FM-7 Area-wide Plan for Pier Maintenance and Restoration

In order to facilitate pier maintenance and restoration, the City shall consider preparing a Director's Rule which identifies code relevant code provisions and possible alternates which could simplify this work. Knowledge of the Director's Rule and code alternatives could save pier owners time and money and signify the City's intent to assist pier owners with *their* maintenance or restoration projects.

A c t i o n :

Recommend that DCLU submit a draft of a new Directors Rule for review by BINMIC for an area-wide plan for pier restoration and maintenance that acknowledges City safety and environmental concerns, and BINMIC economic and business concerns with permitting requirements.

Implementor: DCLU, Fire Dept.

Time Frame: 1-2 years

Cost: Staff Resources

FM-S Maintenance Dredging

Some of the Salmon Bay area is currently too shallow to allow some large ships in for repair and maintenance. The cost and time required to perform maintenance dredging in Salmon Bay are prohibiting some Salmon Bay businesses from retaining and expanding their services for ship repair and maintenance. There is a concern among many of the businesses located on the Salmon Bay and Ship Canal waterfront that this lack of maintenance dredging may force marine businesses out of the BINMIC.

Action:

The City shall spearhead a process (in cooperation with the Washington Department of Fisheries, Army Corps of Engineers, tribes, and the Department of Ecology) to obtain timely dredging permits. The inability of maintenance dredging may force marine businesses out of BINMIC.

Implementor: City of Seattle, Port of Seattle, Washington Department of Fisheries, Army Corps of Engineers, tribes, and the Department of Ecology

Time Frame: 1 - 2 years

Cost: Staff Resources

FM-9 Lock Closures

Maintenance work on the Hiram Chittenden Locks, particularly when this takes the large lock out of operation for extended periods, creates expensive problems for the fishing and barge fleets' larger vessels. The Corps of Engineers has routinely tried to schedule work so as not to disrupt sailing schedules, but the marine industries would like to formalize the method of prior notification when lock closures are anticipated.

Action:

The City shall obtain an agreement with the Army Corps of Engineers that the Corps will give the City and designated industry prior notice of all lock closures. (See *Freight Mobility and Transportation Action Item T-19.*)

Implementor: City of Seattle and Corps of Engineers

Time Frame: 1-2 years

Cost: Staff Resources

FM-10 Education Workshop

Owners of piers located along the Ship Canal lack information about how to obtain permits to make repairs or improvements. The City should take the lead in **disseminating** information which will both encourage pier owners to make repairs and simplify the process of obtaining permission to do so.

Action:

Recommend that DCLU hold an annual educational workshop on application procedures for BINMIC private/public pier owners. Recommend DCLU provide information on exemption request procedures at the workshop.

“~ Implementor: DCLU

Time Frame: 1-2 years

Cost: Staff Resources

Permit Exemption, RG-14 Minor New Construction Exemption, and RG-15 Berth Maintenance Dredging

FM-11 Preservation of Land for the Fishing/Maritime Industry

For several reasons, partly the cyclical nature of the fishing and maritime industries, and partly the changing patterns of land use in industrial areas, waterfront and water-dependent lands used by the fishing and maritime industries are increasingly threatened “by the incursion of other uses. In many cases, the new uses are not dependent on access to the shoreline or its related businesses, and may, in fact, be in conflict with maritime uses. The importance to Seattle of the maritime industries and their fragility, call for special action, similar, perhaps, to that taken to preserve scarce farm lands in King county.

Action:

The City shall fund a study to examine the strategies used for preservation of farm land, open space, and resource lands in Washington State to determine how the waterfront and water-dependent property in the BINMIC should be reserved for the cyclical needs of the fishing and maritime industries.

The strategies could involve transfer of development rights, taxation at other than market value assessments, purchase of public moorage easements, and other devices used for agricultural, open space, “mild other” sensitive areas that are valued different than other market-driven real estate.

Implementor: OMP

Time Frame: 1 -6+ years

Cost: Cost of Study

Other actions that would help the Maritime and Fishing Industry are included in other sections of the BINMIC Plan as follows:

land Assembly: *RG-2 Street and Alley Vacations, and RG-3 Shoreline Street Ends*

Improving permitting process: *RG-4 Permitting*

RG-9 Dock and Pier Improvement

RG-11 Improve Communication between 1X1. U and Fire Department

Raising thresholds for Shoreline and SEPA review: *RG-13 Raise shoreline Substantial Material*

E PUBLIC SERVICES, UTILITIES, AND INFRASTRUCTURE

Growth in the BINMIC will place some additional demand on the area's utilities and public services including additional electric, water, wastewater, and communications services. In general, though, there is adequate infrastructure in place in the BINMIC and in other areas of Seattle that serve the BINMIC to accommodate growth over the next 20 years and beyond. Unless some action is taken however, existing localized problems such as inadequate water pressure on dead-end lines, poor drainage, and insufficient telephone service could adversely impact future business retention efforts and new development in the BINMIC. The utility and roadway infrastructure improvements proposed in this plan are intended to ensure that local utilities and services are able to provide adequate service.

1. EXISTING PUBLIC SERVICES, UTILITIES, AND INFRASTRUCTURE COMPREHENSIVE PLAN POLICIES

U1 Continue to provide service to existing and new customers in all areas of the City, consistent with the legal obligation of City utilities to provide service.

U2 Consider financial mechanisms to recover from new growth, the costs of new City utility facilities necessitated by such service

U3 Maintain the reliability of the City's utility infrastructure as the first priority for utility capital expenditures.

U4 Continue to provide for critical maintenance of and remedying existing deficiencies in City utility capital facilities.

U5 Coordinate City utility capital expenditure planning with capital investment planning by other City departments.

2. BINMIC PUBLIC SERVICES, UTILITIES, AND INFRASTRUCTURE POLICIES

- Public services, utilities, and infrastructure shall be sufficient to accommodate projected growth.
- Provide opportunities for industrial reuse of vacant governmentally owned property within the BINMIC.
- Recognize the special needs of industrial businesses with improved customer service.

- Develop creative financing mechanisms, including public-private partnerships, for upgrading utilities and infrastructure.
- Develop linkages between local businesses, labor groups and workers to match high wage jobs with local workers.

3. BINMIC PUBLIC SERVICES, UTILITIES, AND INFRASTRUCTURE RECOMMENDED IMPLEMENTATION ACTIONS

PS-1.1 Infrastructure Improvements

Modern infrastructure appropriate to the needs of industrial businesses is essential to the continued health of the BINMIC, and is one of the outstanding concerns of the industrial community. If the BINMIC is to remain competitive and one of the economic centers of Seattle, infrastructure improvements are needed. In many cases, these can be funded through public-private partnerships, and creative financing mechanisms are encouraged.

Action:

Target new infrastructure investment to areas where larger parcels exist or may be assembled for industrial uses.

Implementor: Seattle Public Utilities, SeaTran, City Light, Executive Services Department

Time Frame: 1-6+ years

Cost: Staff Resources

PS-1.2 Financing Local Improvement Districts

Action:

Explore use of local improvement districts (L.I.D.), utility local improvement districts (U.L.I.D.), grant matching funds and industrial development bonds for financing joint public and private infrastructure improvements and assign priorities to these projects.

implementor: SPU, SeaTran, City Light

Time Frame: On-going

Cost: Staff Resources

PS-2 BINMIC Customer Service Survey

BINMIC business and property owners have expressed the concern that City staff are not always helpful, and may not approach the applicant as a customer. Business

owners, accustomed themselves to interacting with customers, support the City's efforts to improve customer service and believe that additional measures would improve the business climate.

Action:

On an annual basis, the City, in conjunction with the BINMIC Ombudsperson and existing business organizations, will undertake in January (starting in January 1998) a customer service survey of BINMIC businesses. The survey will be funded by the City, and will focus on improvements to the physical infrastructure for drainage, water, roads and electrical service. The survey will also examine other City services such as police and fire. Existing business organizations, the Ombudsperson and the responsible City departments will review the results, identify deficiencies and identify actions to remedy these deficiencies. In the Fall of each year, the City will report back by mail to the BINMIC businesses on the corrective actions taken.

Implementor: ESD, OED and the BINMIC Ombudsman

Time Frame: On-going

Cost: Staff Resources

PS-3 Public Services

There is a concern among BINMIC business and property owners that utilities and public services are sometimes inadequate and that no identifiable person exists to contact. Specific issues include deterioration of water pipes throughout the BINMIC and poor maintenance of some BINMIC streets, resulting in large pools of standing water on the roadways during and after storm events.

Action.

Designate an industrial contact person within the Seattle Public Utilities Department and Seattle City Light to handle BINMIC issues and provide guidance to industrial enterprises located within or planning to locate within this area.

Implementor: Seattle Public Utility, City Light

Time Frame: On-going

Cost: Redesignation of Staff Resources

PS- 4 BINMIC Promotion

Industrial businesses, including the BINMIC, contribute up to 25% of Seattle's total tax base. It is, therefore, in

the City's interest, as well as the BINMIC stakeholders, to promote the BINMIC as a positive business environment.

Action:

The City of Seattle shall establish a working group with local and State economic development organizations such as the Seattle-King County Economic Development Council and Washington State Community Trade and Economic Development Department to highlight the character and advantages of the BINMIC area. Member(s) of the BINMIC Committee and Manufacturing Industrial Council of Seattle shall be a part of the working group.

Implementor: OED

Time Frame: on-going

Cost: staff Resources

PS-5 BINMIC District Council

A frequently heard concern of BINMIC stakeholders is that their voice is not heard by City officials. Many in the industrial community also believe that, despite their enormous economic contributions, industrial needs are treated as secondary to the needs of nearby residential communities. This may be seen in lack of allocations of neighborhood based street funds to industrial area, as well as City staff inattention to the BINMIC. Through the planning process, the BINMIC stakeholders have identified their need for a stronger voice, as well as a need to carry on work initiated during development of this plan. This work includes representing the BINMIC's interests with the City, Port, and other governmental entities, supporting future environmental clean up studies, and monitoring the implementation of this plan.

Actions:

Initiate creating the BINMIC as its own District Council with the Department of Neighborhoods.

Affirm the on-going role of the BINMIC Committee regarding Salmon Bay sediment cleanup to represent manufacturing and industrial uses with the Dept. of Ecology.

Implementor SPU, Department of Neighborhoods, Port of Seattle

Time Frame: 1-6+ years

Cost: Staff Resources

PS-6 Public Land and Rights-of Ways

Much of the vacant developable land within the BINMIC is owned by governmental entities. Significant large parcels include the National Guard and adjacent METRO parking lot sites in Interbay. Returning these and other parcels to industrial use would contribute to opportunities for new or expanding businesses to locate within the BINMIC, thereby enhancing the positive business environment and increasing the tax base.

The City's Office of Economic Development and Executive Services Department are involved in an effort to examine options for development and more productive use of City owned land. Industrial development potential is one of the criteria being considered. The Army Corps of Engineers, which handles the National Guard site, is currently obtaining appraisals of the property preparatory to a possible land trade with a developer (public or private) who would then build the Guard a new facility elsewhere.

Action:

The City, County, and Port shall examine public lands and rights-of ways in the BINMIC area, including the National Guard site and adjacent METRO parking lot for redevelopment opportunities for industrial development.

Implementor: Executive Services Dept., OED, OIR, Port, King county

Time Frame: On-going

Cost: Staff Resources

of assistance to workers and businesses in identifying labor market information, skill needs, and training opportunities.

The Seattle Jobs Initiative is targeted to connect Seattle low-income residents with jobs in the local and regional economy. The SJI programs, particularly the Workforce Brokerage, are available to identify qualified applicants from SeaMe's low-income communities that can meet a business' criteria and to provide training opportunities to prepare candidates for skilled positions in demand with BINMIC businesses. Connecting local residents to jobs in BINMIC will depend on whether those residents in Ballard, Fremont, Magnolia, and Queen Anne have an interest in the jobs available in BINMIC. The City can and will work with BINMIC businesses to identify qualified applicants for positions the businesses are attempting to fill.

Action:

The City of Seattle shall invest in a partnership with local employers for listing high-wage jobs available in BINMIC and developing a roster of skilled potential applicants through direct advertising and coordination with local labor groups. In addition, linkages shall be created between the new local business council, proposed District Council, and City representatives regarding the City's jobs initiative program.

Implementor: OED Office for Education, DON

Time Frame: CM-going

Cost: Staff Resources

PS-7 City Jobs Initiative

Despite a healthy local economy there are many people in Seattle without jobs or without skills to obtain the kinds of jobs that are being created, that pay well, or that offer opportunity for benefits and advancement. At the same time, local employers report a serious and growing problem of locating and attracting appropriately skilled workers to fill family-wage jobs in the BINMIC. This is especially true for companies trying to expand current operations. The recently published report by the Manufacturing Industrial Council of King County "identifies the problem as countywide and virtually statewide for employers providing family-wage jobs. Recruiting workers beyond local areas can be costly and result in further exacerbation of housing shortages, traffic gridlock, and other population growth problems. Strategies are needed to provide training and other forms

“F. REGULATORY ENVIRONMENT

If businesses in the BINMIC are to be successful in **adapting to changing economic** and market conditions, City regulations and their enforcement must be in support of the Comprehensive Plan policies and goals of preserving and expanding manufacturing, industrial and marine uses. Numerous regulations affect industrial operations in ways that do not affect other commercial enterprises and these regulations are often especially **burdensome to the small and mid-size firms that are located in the BINMIC**. Issues relating to regulations and their enforcement are considered so crucial by BINMIC business and property owners that this separate section was created to address the regulatory environment.

1. SEATTLE COMPREHENSIVE PLAN POLICIES

E11 Support the principle of regulatory reform at the state and county levels that would decrease the financial impacts of regulation on businesses and developers, while maintaining an appropriate level of safeguards for the environment and worker safety, coexistent with the goals and policies of this plan.

E12 Consider ways to reduce or streamline the regulations and processes affecting land development, consistent with the goals and policies of this plan. For example, the city may seek to shorten permit processing timeframes, may evaluate development regulations for unnecessary layers of control or may promote greater consistency and predictability in the regulatory control systems of other levels of government.

E13 Support development of programmatic environmental impact statements (PEIS) for geographic-specific plans which may be used to help reduce the permit processing time and to increase predictability for individual projects that are compatible with the PEIS.

2. BINMIC REGULATORY ENVIRONMENT POLICIES

- Provide opportunities for **aggregation** of parcels for industrial **purposes, including street vacations, street ends, and reuse of vacant public property.**
- **Clearly communicate appropriate regulations and their alternatives to industrial business owners.**

- **Require communication among permitting agencies.**
- **Support ongoing efforts to adhere to timely permitting schedules.**
- **The City shall continue efforts to provide more consistency, coordination and predictability in permitting.**
- **The City shall periodically examine its regulations for adequacy and current applicability to respond to changing conditions and technologies.**
- **Encourage maintenance and new constructing of piers and docks.**
- **Within the BINMIC, water-dependent and industrial uses shall be a higher priority use than other uses, including public access.**
- **Support BINMIC efforts for SEPA changes that would expedite permitting without sacrificing environmental quality.**
- **Form joint public-private partnerships with business, property owners and government to identify ways to clean up industrial sites in the BINMIC using funds from existing programs.**
- **Form joint public-private partnerships with business, property owners and government to identify additional and new funding sources to pursue environmental cleanup issues.**
- **Permit businesses to operate by balancing their needs with environmental protection.**

3. BINMIC REGULATORY ENVIRONMENT RECOMMENDED IMPLEMENTATION ACTIONS

RG-1 Modify City Street Regulations, Including Off-Street Parking and Loading Requirements

Existing State and City land **use** and transportation regulations specify that street rights-of-way be used for the **long-term benefit** of the general public. While the requirements are **generally designed** to ensure safe, efficient access and **mobility**, these requirements can be particularly burdensome in parts of the BINMIC, especially in the Ballard/Ship Canal area where parcel size is limited and there is little or no on-site loading capacity.

Many BINMIC business and property owners have **site-specific difficulties** associated with City street regulations

directly related to **location of these businesses in mature manufacturing and industrial area**. BINMIC stakeholders have identified changes in **curb and setback requirements, minimum right-of-way width requirements, on-street parking and maneuvering requirements, and loading dock requirements** that will assist **existing BINMIC businesses** to **redevelop property**. Informing the public that exceptions **may be made to existing requirements** would allow **many BINMIC businesses with limited on-site operating area** to operate more **efficiently**. For example, one BINMIC business needs to **turn their@& in the street**. If they **are forced to turn on their property**, their proposed new warehouse **will have to be 50% smaller** than is currently planned.

If the existing exceptions are not **sufficient**, additional flexibility **should be investigated**. Such modifications **may require changes to the City's land use code regarding streets, alleys, and easements (SMC 23.53), access and off-street parking (SMC 23.54), and industrial land use regulations (SMC 23.50)**. If **modifications are needed, the Plan proposes modifications provided that they:**

- **Would not interfere with access and mobility of general traffic in the area**
- **Would not interfere with fire and emergency access to the area**

Action:

Adopt guidelines that provide for the reduction, relaxation, or other modifications of City street regulations for businesses with site-specific difficulties, including curb and setback requirements, minimum right-of-way widths, off-street parking, waiver for off-street loading maneuvering requirements, and loading docks in the BINMIC. "(See also conditions in T-22.)"

Implementor: DCLU, SeaTran

Time Frame: 1 to 6+ years

Cost: Staff Resources

RG-2 Street and Alley Vacations

Both the King County and Seattle Comprehensive Plans contain industrial policies that **encourage aggregation of smaller parcels of land into larger sites** suitable for manufacturing and industrial use. Growing BINMIC businesses **looking to expand their operations often need to connect smaller parcels** by "vacating unused or unimproved alleys and streets. Specific **street vacations** could greatly benefit **development of existing businesses in the BINMIC, particularly in the vicinity of the Ship**

Canal and along NW Leary Way in Ballard. Promoting **vacation of alleys in industrial areas** to encourage **aggregation of parcels for industrial purposes** would support **both the King County and Seattle Comprehensive Plans**. Selling **these lands to private concerns** would also benefit the **City and County** by providing more **taxes** from the additional productive and taxable land use.

Existing **street vacation policies** and the associated permitting **process** have **caused some difficulties** for BINMIC businesses. For example, when one business paved a vacated **alley near their business in Ballard**, a new City **staff person** required the company to replace their existing drainage **system** for an **additional 1% slope**, costing the company an additional \$4,000.

Action:

Revise the City's process for evacuating a street vacation application to incorporate a specific time requirement for each stage of process as follows: complete the valid signature check within 2 weeks of receipt of a street vacation application; circulate the proposal to commenting agencies within 2 more weeks; prepare agency response within 30 days or approval will be assumed; finalize the street vacation recommendation on the petition within 30 days; complete City Council review and action within 45 days; and complete final value appraisal within another 21 days.

Amend the City's Industrial Policies and Street and Alley Vacations Policy to include a criterion providing for special consideration of a vacation when the vacation will retain an industrial business, which would lead to creation of high wage jobs, within an M & I Center. Approval of a street vacation application shall be tied to a specific development project; the street vacation is canceled if the project is canceled and the property would revert to the City.

Implementor: DCLU, SeaTran

Time Frame: 1 to 6+ years

Cost: Staff Resources

RG-3 Shoreline Street Ends

The current shoreline policies specify that any proposed public use improvement (e.g., parks and waterfront access) should be permitted only in "suitable locations" and should not conflict with industrial and/or water dependent activities. Strengthening these policies will promote opportunities for industrial development by

maintaining **industrially** zoned **street** enda for **potential** industrial **uses**, and **will** prevent **incursion** by **uses** incompatible with industrial activity. In a **few** industrial **areas**, however, **street** end parka have **been** developed or there are **specific** plans to develop **street** end parka. Existing parka and those already in the **planning** stage may continue in park aae.

Action:

Revise the text **of the City policy regarding use of shoreline street ends in industrial areas (Resolution 29370) to strengthen the preference given to uses that support or are compatible with existing or proposed industrial development in the BIN MIC. (Specific guidelines to be provided in the Approval and Adoption Package.)**

Implementor: SeaTran,

Time Frame: 1 to 6+ years

Cost: Staff Resources

RG-4 Permitting

Difficulties in obtaining permits was identified by BINMIC industrialists as one of the kcy obstacles to expanding, relocating, or establishing a new business in the BINMIC. Delays in project reviews have the potential for significant economic impact, including direct coats such as tax payments, lost revnuc for the undeveloped property, and architectural fees. While the BINMIC stakeholders recognize that the City has been engaged in inter-departmental meetings **to** increase communication among City departments and to improve review time, further improvement in permitting time is highly desirable. The BINMIC stakeholders also recognize that *some* delays occur because of the DCLU workload and corrections needed **to** fulfill DCLU requirements. This recommendation to improve permitting time, however, is based on project delays in the BINMIC that have surpassed six *months*. This recommendation is in accordance with the 1995 adoption of State House Bill 1724, which was designed to improve local jurisdictions' permitting processes.

Action:

Honor the state-mandated 120-day turnaround for development permit processing. City departments shall work with the Department of Construction and Land Use to ensure that review cycles are minimized and that timely notice of needed plan corrections is communicated to applicants and that review of

corrections ia conducted expeditiously. Pre-application meetings shall be utilized whenever possible to provide up-front notice to applicants of requirements; DCLU shall invite representatives of the Fire Department and other agencies to pm-application meetings as appropriate. Support and participate in ongoing program in which City agencies strive to provide more consistency, predictability and coordination in permitting processes and development efforts:

Implementor: DCLU

Time Frame: 1 to 6+ years

Cost: Staff Resources

RG-5 Field Inspection Occupancy Permit Procedure

Currently business and property owners inay incur delays and significant costs associated with delay in obtaining occupancy permits after conducting minor repairs and maintenance prior to moving into a new building. **If the** property owner **could** perform the required repair **and/or** maintenance work and obtain an occupancy permit subject to field inspection, property owner expense when conducting minor repair and maintenance prior to moving into anti building in the BINMIC would be reduced. In addition, the City should realize savings through reduced permitting effort by DCLU for small projects.

Action:

The City shall explore the possibility of a process to obtain new occupancy permits fnr industrial users who have not changed the industrial use of an industrial property and have conducted only minor repair and/or maintenance of the property.

implementor: DCLU

Time Frame: On-going

Cost: Staff Resources

RG-6 Adjacent Property Deed Notification

In many cases residents and non-industrial businesses locate adjacent to industrial areas without realizing the possible implications of industrial activities, such aa noise, odors, or lights. In response to these activities, neighbors frequently complain to the City for relief, which may result in increased costs to industry to mitigate these impacts, even though the uses are operating legally. The intent of this action is that by notifying potential buyers in advance that tbcy are purchasing land adjacent to an industrial area, potential buyers will understand the

industrial uses' right to industrialize and conduct business according to normal practices without being required to mitigate normal impacts.

Action:

Explore and implement notification of adjacent non-industrial properties that these properties are located in the vicinity of an industrial area

Implementor: King County Auditor/Assessor, OED

Time Frame: 1-6 years

Cost: Staff Resources

RG-7 Public Process Prior to Land Use Changes

Changes to City regulations have the potential to cause significant impacts to industrial property owners. In addition, the needs of industrial businesses may differ from non-industrial businesses, and new regulations may, therefore, have a different applicability and impact for industry. Improved notification and involvement of industry in formulating new or changing existing regulations would improve the City's decision making process and the business climate.

Action:

Initiate and/or implement changes in land use or other regulations that apply to industrial uses only with adequate public processes that include and recognize the special role of industrial employment and tax base.

Implementor: DCLU

Time Frame: 1-2 years

Cost: Staff Resources

RG-8 Alternate Fire Code Compliance

Compliance with the Seattle Fire Code, which is significantly different than the Uniform Fire Code, is a considerable expense for industry. In many cases there are Code alternatives that are less costly but still accomplish the intent of the regulations. The BINMIC committee acknowledges that the Fire Department sometimes provides these alternatives, but has been inconsistent in doing so. The intent of this recommendation is to require that the Fire Department always communicates to applicants Code alternatives where they exist..

Action:

Instruct the fire inspectors to clearly communicate Code alternatives available for Fire Code compliance

when requiring new safety measures associated with annual inspections, permit renewals, building addition and alteration permits and new construction permits.

Implementor: Fire Dept.

Time Frame: On-going

Cost: Staff Resources

RG-9 Duck and Pier Improvement

The repair and improvement of ducks and piers in the BINMIC is essential to the continued operations of the fishing industry. Well-maintained docks and piers provide efficient access for loading and unloading supplies and product from fishing and other vessels. DCLU and Fire Departments shall assist the pier and dock owners in the BINMIC by encouraging repair and improvement of piers.

Action:

Explore possible changes to the Seattle Fire Code and construction codes to determine if Code alternatives can be used to facilitate pier maintenance and improvement. Explore whether it would be feasible for codes to specify if and when pier extensions for non-moorage purposes may be allowed with less stringent regulations than those currently in place, perhaps when no hot work or fueling is involved, and when moorage is limited to some appropriate duration. Fire, DCLU, and other agencies shall inform pier owners of educational materials available and the Code alternative process that would assist with "pier maintenance and restoration work."

Implementor: Fire Department, DCLU, and the Office of Economic Development

Time Frame: 1-2 years

Cost: Staff Resources

RG-10 Construction Codes and Fire Code Advisory Boards

The Construction Codes and Fire Code Advisory Boards play an important and active role in reviewing and making recommendation on existing and proposed regulations. Representation from the BINMIC would ensure that an important viewpoint is represented.

Action:

Support the Construction Codes and Fire Code Advisory Boards' active role in reviewing and making

recommendation to existing and proposed regulations. Membership on these **boards shall be solicited from BINMIC stakeholders.**

Implementor: **DCLU, Fire Dept.**

Time Frame: **On-going**

Cost: **Staff Resources**

RG11 Improve Communication between DCLU and Fire Dept

One of the **industrial** issues with permitting is that **all relevant departments may not be involved in permit review on a timely basis, resulting in additional delays and associated costs.** Of particular concern is the perception that DCLU and the Fire Department are not well coordinated, with the result that Fire review, where needed, may occur late in the **process after initial drawings and possibly corrections have been made.** When the Fire Department review requires new or additional corrections, **costly modifications are not unusual.** **Currently,** Fire and DCLU meet **bi-monthly to support communications between their two departments.** The BINMIC stakeholders are aware that **DCLU and the Fire Department are working on improving communications, and support any and all such efforts**

Action:

The City shall implement procedural improvements **and** code changes that further improve communicating between DCLU and the Fire Department.

Implementor **DCLU, Fire Dept.**

Time Frame: **On-going**

Cost: **Staff Resources**

RG-12 Industrial Area Cost Impact

When changes **to the building or fire codes** are made, there are implications to businesses that must comply with them. When proposing changes, several elements are considered, including the potential for enhanced public safety and changes in technology, building materials and fire suppression techniques. The BINMIC stakeholders, who bear the economic burden of complying with regulations changes, believe that the **feasibility of complying with the regulations as well as the economic costs to individual businesses and the local economy.** should also be considered.

The Office Of Management and Planning is currently the lead agency in assessing whether **improved marketing materials will improve business compliance with the Fire Department's Hazmat Code.** This role could be expanded to explore **economic implications of new regulations.**

Action:

The City **shall** prepare a cost impact analysis, with **input from the BINMIC ombudsman and BINMIC businesses, documenting the City initiated impacts of new or revised Fire and Building Department Codes on BINMIC industries, weighing the economic cost to individual businesses and the local economy compared to public benefit and health and safety achieved by the new regulation. This cost impact analysis shall also include public notification of the new and/or revised changes prior to their implementation.**

Implementor **OMP, OED, Fire Dept. DCLU**

Time Frame: **On-going**

Cost: **staff Resources**

RG-13 Raise Shoreline Substantial Master Permit Exemption

In talking to BINMIC business owners and managers of shoreside businesses, it became apparent that the existing State Department of Ecology regulation requiring a Shoreline Substantial Master Permit for any work over \$2500 was out of date. When established, \$2500 was a reasonable threshold, but that amount has never been updated to reflect inflation. Accordingly, the BINMIC stakeholders believe it would be appropriate to increase the **threshold to \$20,000, a comparable figure for 1997-8, and to index the threshold annually based on the increase in the consumer price index (CPI).** Support from the City and Port of Seattle with Ecology is essential to raising the permit exemption.

Action:

Recommend that DCLU and the Port of Seattle petition the Department of Ecology to raise the Shoreline Substantial Master Permit Exemption categorical exemption from \$2,500 to \$20,000 and annually index the exemption to meet the inflation CPI

Implementor: **OIR, DCLU, Dept. of Ecology, Port of Seattle**

Time Frame: **1-2 years**

Cost: **Staff Resources**

RG14 Minor New Construction Exemptions

Currently, minor new construction for many activities is permitted without SEPA review. In shorelines areas, however, a project would be subject to more stringent shoreline regulations by virtue of being over water, even if the environmental impact is no greater than would otherwise be permitted under minor new construction exemptions. Because they are "wholly or partly on lands covered by water", therefore, there are no exemptions for pier maintenance and minor new construction. The effect of this is to cause pier owners to defer maintenance or other activities that would enhance the longevity and utility of their piers. The result is that piers deteriorate, and economic productivity is reduced. The BINMIC committee is seeking to redress this situation by a SEPA amendment that would extend a threshold for minor new construction and maintenance of piers.

Such a change would require amending the state SEPA code and Shoreline Master Program to enable local jurisdictions to make the changes in local ordinances. Subsequently, the City's environmental policies and procedures would be amended to incorporate the exemptions.

Action:

Join with the Port of Seattle to petition the Department of Ecology to develop thresholds for minor new construction exemptions for pier maintenance and construction projects in WAC 197-11-800 Categorical Exemptions (1) Minor New Construction - Flexible Thresholds and (2) Other Minor New Construction. Upon amendment of the state SEPA regulations and Shoreline Master Program, amend City regulations to incorporate the exemptions.

Implementer: OMP, DCLU, Department of Ecology, Port of Seattle

Time Frame: 1-2 years

Cost: Staff Resources

RG-15 Berth Maintenance Dredging

Similar to pier maintenance and new construction, dredging does not currently enjoy a SEPA exemption, despite the on-going nature of dredging as an activity. A SEPA checklist is required the first — and every subsequent — time that maintenance dredging is needed. Consequently, what is essentially the same maintenance activity conducted over and over again is subject to

preparation of a SEPA checklist, but without expectation of any change in environmental impacts. At approximately \$2500-5000 for a professionally prepared checklist, this can become an expensive regulatory hurdle. Instituting a procedure in which a SEPA checklist is required for the first dredging activity, but would not be required again unless conditions have changed or developing a threshold for volume of sediments dredged would reduce or eliminate the continuous need for SEPA review.

Such a change would require amending the state SEPA code and Shoreline Master Program to enable local jurisdictions to make the changes in local ordinances. The exemption might include a caveat such as: "where activities with the potential to contaminate sediments have not occurred since the berth area was last dredged." This type of exemption would be similar to the Department of Game (now Fisheries and Game) exemption from silt and debris removal from boat launches, docks and piers (See WAC 197-11-840[9b]). Subsequently, the City's environmental policies and procedures would be amended to incorporate the exemptions.

Action:

Join with the Port of Seattle to petition the Department of Ecology to develop an exemption for on-going berth maintenance dredging with some threshold volume of dredged sediment in WAC 197-11-800 SEPA Categorical Exemptions, (3) Repair, Remodeling and Maintenance Activities (a) Dredging. Upon amendment of the state SEPA and Shoreline Master Program, amend City regulations to incorporate the exemptions.

Implementor OMP, DCLU, Dept. of Ecology, Port of Seattle

Time Frame: 1-2 years

Cost: Staff Resources

RG-16 SEPA Requirement for Building Demolition and Construction

Under SEPA, the current threshold for categorically exempt demolition and construction of buildings is 12,000 square feet, a relatively small building by industrial standards. To help facilitate BINMIC's ability to achieve the goals for employment growth and for retaining and promoting manufacturing and industrial businesses, an increase in building size exempt from SEPA review of demolition is proposed since this proposed change would facilitate development. This

change would first have to be approved and made in the state SEPA code (WAC 197-11-800[1][c][iii]) and then in the City's environmental policies and procedures (SMC 25.05.800[A][2][c][i]). During the draft EIS timeframe, the BINMIC Committee sent a letter to the State to recommend that this change be made to the current SEPA regulations. The State's review of the proposed SEPA revisions is currently in progress at the time of publication of this document.

Action:

The City will support raising the SEPA categorically exempt threshold within the BINMIC for construction and demolition of buildings from 12,000 square feet to 20,000 square feet.

Implementor: OMP, DCLU

Time Frame: 1 to 2 years

Cost: Staff Resources

RG-17 Proposed SEPA Environmental Exemptions

The Department of Ecology has established cleanup standards and health and safety requirements designed to protect human health and the environment. Additional City environmental review for hazardous waste remedial cleanup through the SEPA process is unnecessary because it is already performed by Ecology. The additional expense and time required for the City review could be a disincentive to proposed cleanup of contaminated areas as determined by Ecology. Changing the regulations is a multi-step process, starting with the City's support of these change at the State level. The proposed changes would require amendment to the State SEPA code (WAC 197-11-800) to enable local jurisdictions to pass similar exemptions if desired. Once SEPA has been changed at the State level to permit action by the local jurisdiction, the City could amend its environmental policies and procedures (SMC 25.05.800) to permit the exemptions.

During the planning phase for these recommendations, the BINMIC Planning Committee sent a letter to Ecology requesting consideration of such exemptions. The State's review of these proposed SEPA revisions is currently in progress.

Current SEPA regulations only allow exemptions for the installation of underground tanks less than 10,000 gallons. Ecology already regulates underground and above-ground tanks through its existing tank program and maintains standards and

Safety requirements that are designed to protect human health and the environment. This proposed change would need to first be approved and made in the state SEPA code (WAC 197-11-800[2][g]) and then amendments made to the City's environmental policies and procedures (SMC 25.05.800[B][7]).

Action:

Send a letter of support for the proposed SEPA amendments to the State Department of Ecology which:

- Specifies a SEPA categorical exemption for hazardous waste remedial cleanup activities, including soil excavation and groundwater treatment.
- Allows a SEPA categorical exemption for the installation and removal of all underground and above-ground storage tanks, including removal or treatment of contaminated soils and groundwater.

Subsequent to State adoption of these changes, enact amendments to the City's SEPA regulations to accommodate the exemptions.

Implementor: OMP, DCLU

Time Frame: 1 to 2 years

Cost: Staff Resources

RG-18 SEPA Requirement for Excavating

The current SEPA threshold for excavation, 500 cubic yards, would be that for a 30' x 50' house, and could be considered an appropriate threshold for residential and commercial areas. Most industrial properties would be expected to have a footprint substantially greater than this, making the current threshold, in effect, a minimum requirement. The BINMIC property owners believe that to be a meaningful threshold that reflects the size of their buildings, the threshold should be raised to 1000 cubic yards.

Such a change would require amending the state SEPA code (WAC 197-11-800 [1][c][v]) to enable local jurisdictions to make the change in local ordinances. Subsequently, the City's environmental policies and procedures (SMC 25.05.800[A][2][e]) would be amended. During the BINMIC planning process, the Committee sent a letter to the State recommending that this change be made to the current SEPA regulations. The State's review of the SEPA revisions is

currently in progress at the time of publication of this document.

A c t i o n :

Encourage the State to raise the SEPA categorically exempt threshold in industrial areas for excavation during construction of buildings from 500 cubic yards to 1,000 cubic yards. Upon amendment of SEPA, amend Seattle's SEPA to similarly raise the exemption.

Implementor: OMP, DCLU

Time Frame: 1 to 2 years

Cost: Staff Resources

RG19 SEPA Regulation for Change in Use

State and City requirements review of applications to change a building's use can be burdensome, particularly to small and medium sized businesses, and can affect businesses' decisions to move into or stay in a particular building. To facilitate retention and expansion in manufacturing and industrial businesses, more flexibility is needed in changing uses of existing structures from one industrial use to another industrial use.

City evaluation of a SEPA exemption for changes in use of an existing building would provide more flexibility in the reuse and redevelopment of existing structures in the BINMIC from one industrial use to another industrial use without requiring SEPA review. This change is proposed because City requirements to change a building's use can be quite costly and time-consuming. For example, according to one business owner, change of use regulations required installation of a new fire door on their new building. This requirement delayed the move into the building by six months and cost the company nearly \$7000 in architectural and construction work. Negotiated real estate leases and agreements can also be affected by change of use requirements. Property owners and potential buyers can lose money when waiting for DCLU approval or response, and can ultimately cause "some deals to fall through.

This proposed change would first need to be approved and made in the state SEPA code (WAC 197-11 -800[3]) and then added to the City's environmental policies and procedures (SMC 25.05.800). During the draft EIS timeframe, the BINMIC Committee sent a letter to the State to recommend that this change be made to the current SEPA regulations. The State's review of the proposed SEPA revisions is currently in progress at the time of publication of this document.

Action:

The City will evaluate a SEPA exemption for changes in use of an existing building to provide more flexibility in use for the reuse and redevelopment of existing structures in the BINMIC from one industrial use to another industrial use without requiring a SEPA review. (Specific items will be provided in the Approval and Adoption Package.)

Implementor: DCLU and State of Washington

Time Frame: 1 to 2 years

Cost: Staff Resources

RG-20 Industrially Appropriate Mitigation Measures

BINMIC owners presently report difficulty understanding how the process of mitigation for their projects is determined. Many of them report that mitigation required is not appropriate for their location or for the nature of the impacts. BINMIC stakeholders are interested in elaborating on developing mitigations that are generally recognized by the community as an enhancement, and would be appropriate to the impact and not be unduly burdensome to the development of a project. Categories of mitigation measures could be developed and prioritized so that they are available for regulatory agencies to choose from to provide predictability to BINMIC owners and the adjacent community, thereby speeding up processing time.

Action:

Recommend that DCLU work with the Manufacturing Industrial Council to develop a list of industrially appropriate mitigation alternatives (mitigation menu) for the BINMIC and incorporate them into the regulatory framework.

Implementor: DCLU

Time Frame: 1-2 years

Cost: Staff Resource

RG-21 Use of BINMIC Programmatic EIS

Significant environmental review and analysis has been conducted in conjunction with the BINMIC Plan (See Draft and Final Environmental Impact Statement.). Accordingly, much of the environmental review typically needed for a project proposed within the BINMIC has already been provided and therefore need not be

duplicated. **Reliance** on the **BINMIC EIS** would save time and money for property owners and the City without sacrificing appropriate levels of review.

Action:

The **City shall** adopt the **BINMIC** programmatic EIS to **minimize** the need for **further environmental review** for **properties** located in the **BINMIC**.

Implementor DCLU

Time Frame: On-going

cost staff Resources

RG-22 Environmental Cleanup

Property located in the BINMIC has been used for industry and manufacturing dating back to the late 1800s. These uses have, in some cases, resulted in various levels of soil, sediment, and ground water contamination on BINMIC properties. The potential cost of conducting cleanup activities at these sites and the potential for unlimited liability associated with environmental cleanup often discourages existing businesses from redeveloping or expanding their current operations and new businesses from locating in the BINMIC. This section addresses policies and actions to minimize costs, delays and liability associated with hazardous materials contamination.

As part of the BINMIC planning process, work has begun with the Washington State Department of Ecology (Ecology) to develop a framework to facilitate environmental cleanup activity for all current and future property owners in the BINMIC. Ecology is considering the concept of a BINMIC consent decree to provide this framework. This consent decree would establish area-wide soil and ground water cleanup levels for industrial properties and ensure adequate protection of human health and the environment. The BINMIC Consent Decree would provide:

- Incentives for reuse and redevelopment for individual parcels and for current and future ownership of BINMIC industrial properties
- Streamlined administrative procedures for obtaining the BINMIC Consent Decree
- Release of long-term liability of current and future BINMIC property owners
- Higher degree of certainty in estimating the cost of environmental cleanup.

It is currently difficult for owners of small and medium sized properties to obtain consent decree agreements for a release of long-term liability. This is primarily because of the requirement to obtain a consent decree for 'substantial public benefit,' and the lack of available staff at Ecology and the Attorney General's office to negotiate and complete consent decree agreements with potentially liable parties (PLPs). However, the State has adopted new legislation to relax the 'substantial public benefit' requirements for industrial and manufacturing areas to qualify for a consent decree agreement with Ecology. The BINMIC Consent Decree would facilitate environmental cleanups by using area-wide cleanup levels specifically developed for industrial properties located within the BINMIC. Ecology would provide the BINMIC Consent Decree as an option for individual PLPs to enter into a Model Toxics Control Act (MTCA) consent decree with uniform terms and conditions. The BINMIC Consent Decree would be different than currently available administrative cleanup options promulgated by Ecology because it would provide a release of long-term environmental liability to small, medium, and large companies in the BINMIC. It would also provide Ecology with one streamlined administrative agreement for the entire industrial area instead of numerous individual agreements.

At a minimum, the BINMIC Consent Decree will most likely include requirements from Ecology regarding the selection of cleanup actions, public review of the cleanup action plan, and continued protection of human health and the environment after cleanup. The overall objective of the BINMIC Consent Decree will be to provide certainty in the cost and liability associated with environmental cleanup for current and future property owners in the BINMIC.

The proposed BINMIC Consent Decree cleanup alternatives will require further negotiations with Ecology beyond the completion date of this Plan and companion EIS. Work has begun with Ecology to discuss the technical and policy issues leading to the BINMIC Consent Decree.

The City will continue to explore opportunities to extend the products and lessons learned from the Brownfields work in the Duwamish to BINMIC. The City and King County recently applied for an EPA Brownfields Showcase Communities designation that, if awarded, would bring in additional resources for applying Duwamish Brownfield research, projects, and lessons to BINMIC.

Actions

Apply for U.S. Environmental Protection Agency (EPA) Sustainable Development and Brownfields Grants to continue the discussions with Ecology.

- **Continue discussions with the Department of Ecology regarding area-wide soil and ground water cleanup levels that are protective of human health and the environment and the BINMIC Consent Decree, and**
- **Apply for federal EPA grants to fund the technical work and discussions with Ecology leading to BINMIC area-wide cleanup levels and a BINMIC Consent Decree.**

Implementor: BINMIC Committee/District Council, Port of Seattle, DON, OED

Time Frame: 1 to 2 years

Cost: Application for Brownfields grant from the U.S. EPA